

INDIANA DEPARTMENT OF INSURANCE 2020 EMERGENCY RESPONSE REPORT



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EXECUTIVE SUMMARY

On May 13, 2020, the Indiana Legislative Council issued a requirement for certain state agencies to submit an emergency response report to the Legislative Services Agency Executive Director by no later than September 14, 2020. The report must include the following:

- I. Overview of which operations or services reduced or suspended during the pandemic, including whether the suspension or reduction was required by an executive order.
- II. Overview on preparations to address future emergencies and recovery based on the agencies experience with COVID-19.
- III. Recommendations, if any, for legislation that may be needed to help ensure the agency is prepared to address future emergencies.
- IV. Recommendations, if any, for legislation to permanently repeal or modify any regulations or laws that were or are partially or fully suspended due to COVID-19.

The Indiana Department of Insurance (IDOI) submits this report to fulfill such requirement.

I. Overview of which operations or services reduced or suspended during the pandemic, including whether the suspension or reduction was required by an executive order.

On March 6, 2020, Governor Holcomb issued a “Declaration of Public Health Emergency for Coronavirus Disease 2019 Outbreak” declaring a public health emergency throughout the State of Indiana as a result of the coronavirus disease 2019 (COVID-19). During the COVID-19 public health emergency, the IDOI focused on several areas of the insurance code to assist Hoosiers. These areas include insurance coverage, consumer services, medical malpractice, producer licensing, telemedicine, and financial solvency of insurance companies.

Insurance Coverage for Hoosiers

Pursuant to Executive Order 20-05, the Commissioner requested insurers to institute a 60-day moratorium on policy cancellations for non-payment of premiums, which applied to all lines of business. This was first implemented from March 19, 2020 through May 18, 2020 under IDOI Bulletin 252. Pursuant to Executive Order 20-25, the IDOI extended the moratorium through May 31, 2020 under IDOI Bulletin 254.

Additionally, the Commissioner requested health insurers cover COVID-19 testing without prior authorization requirements pursuant to Executive Order 20-05. Further, the Commissioner requested health insurers not increase prices or coverage costs involving medical care given for COVID-19.

Medical Malpractice and the Patient’s Compensation Fund (PCF)

Pursuant to Executive Order 20-05, the IDOI suspended the Indiana licensure requirement under the Indiana Medical Malpractice Act to permit health care providers licensed by another state to provide care in Indiana and be eligible for coverage from the Indiana Patient Compensation Fund.

Additionally, the IDOI waived the 30-day deadline for the payment of surcharge for up to 60 days, making the surcharge due and payable within 90 days. No penalties would be incurred because of late or delayed surcharge payments for up to 90 days from the effective date of coverage.

Further, pursuant to Executive Order 20-13, the IDOI requested that medical malpractice insurers in Indiana extend coverage for temporary healthcare facilities which may be established in response to the COVID-19 public health emergency.

During the COVID-19 public health emergency, the IDOI suspended in-person filing of proposed complaints while the office was closed to the public. The IDOI encouraged filing complaints by mail during that time.

Producer Licensing

Pursuant to Executive Order 20-31, IDOI license expiration dates within the declared COVID-19 public health emergency in Indiana were extended to June 30, 2020. License expirations were previously extended to June 4, 2020 pursuant to Executive Order 20-27, and to May 22, 2020 as provided in Executive Order 20-09.

Telemedicine

Pursuant to Executive Order 20-13, unless otherwise specified, the prohibition against audio-only telemedicine as set forth by IC 25-1-9.5-6(b)(1) and (2) was suspended for health care providers who are permitted to practice telemedicine and reimbursement allowed under IC 27-8-34 and IC 27-13-34(b). Additionally, Executive Order 20-13 requested health insurers to provide coverage for expanded telemedicine services rendered under the authority of the Order.

II. Overview on preparations to address future emergencies and recovery based on the agencies experience with COVID-19.

The IDOI created a COVID-19 Actions tab on the IDOI website to provide updated information for Hoosiers in response to the COVID-19 public health emergency. The page contains links to Bulletins issued in response to Governor Holcomb's Executive Orders and additional information regarding insurance coverage for COVID-19 testing under the Families First Coronavirus Response Act and Coronavirus Aid, Relief, and Economic Security Act.

In response to the COVID-19 public health emergency, Indiana insurers have stepped up to provide relief to Hoosiers in the form of premium refunds and credits. The COVID-19 Actions page tracks the approved financial relief programs for health plans, as well as auto carriers offering a program for customers due to the COVID-19 pandemic. Indiana insurers have taken the initiative to provide these premium refunds and credits voluntarily.

During the COVID-19 public health emergency, many of Indiana's domestic insurers have been working remotely. The IDOI has also been able to work remotely and has been able to collaborate with domestic insurers. Both the IDOI and domestic insurers have been able to process what they need to while working remotely.

III. Recommendations, if any, for legislation that may be needed to help ensure the agency is prepared to address future emergencies.

The IDOI continued operations without substantial interruption when transitioning to work remotely. While COVID-19 and the public health emergency created some operational issues related to IDOI transitioning to work remotely, the agency were able to keep up with the inbound requests to continue regulatory operations and assist consumers, companies, agents, and the public. Therefore, the IDOI does not have any recommendations.

IV. Recommendations, if any, for legislation to permanently repeal or modify any regulations or laws that were or are partially or fully suspended due to COVID-19.

The IDOI does not have any recommendations.